

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE GENERALI COVID-19 TRAVEL
INSURANCE LITIGATION

ORDER NO. 1

MASTER FILE NO.:
20-md-2968

ORDER

THIS DOCUMENT RELATES TO:
ALL CASES

JOHN G. KOELTL, District Judge:

It appearing that the cases listed on **Attachment 1** may merit special attention as complex litigation, the Court orders as follows:

1. Initial Conference. All parties shall appear for a conference with the undersigned on **January 28, 2021** at 2:30 p.m. by telephone. Dial-in: (888) 363-4749, with access code 8140049.

(a) Attendance. To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue, or service.

(b) Service List. This Order is being emailed or, if necessary, mailed to the persons shown on **Attachment 2**, which has been prepared from the list of counsel making appearances with the Judicial Panel on Multidistrict Litigation. Counsel on this list

are requested to forward a copy of the order to other attorneys who should be notified of the conference. A corrected service list will be prepared after the conference.

(c) Other Participants. Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal and state courts are invited to attend the conference call.

2. Purposes and Agenda. The conference will be held for the purposes specified in the Manual for Complex Litigation, Fourth Edition ("MCL"), § 11.21. A tentative agenda is appended as

Attachment 3. Counsel are encouraged to advise the Court as soon as possible of any items that should be added to or deleted from the agenda.

3. Preparations for Conference.

(a) Procedures for Complex Litigation. Counsel are expected to familiarize themselves with the MCL and be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

(b) Initial Conference of Counsel. Before the conference, counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda, including a proposed initial dispositive motion schedule and a proposed discovery plan under Rule 26(f) and a suggested schedule under Rule 16(b) for joinder of parties, amendment of pleadings, consideration of any class action allegations, motions, and trial. The court designates David

E. Kovel of Kirby McInerney LLP and Christopher James Houpt of Mayer Brown LLP to arrange the initial meetings of plaintiffs' and defendants' counsel, respectively.

(c) Preliminary Reports. Counsel will submit to the Court by **January 21, 2021** a brief written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the Clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.

(d) List of Affiliated Companies and Counsel. To assist the Court in identifying any problems of recusal or disqualification, counsel will submit to the Court by **January 14, 2021** a list of all companies affiliated with the parties and all counsel associated in the litigation.

(e) List of Pending Motions. Counsel's statement shall list all pending motions.

(f) List of Related Cases. Counsel's statement shall list all related cases pending in state or federal court and their current status, to the extent known.

4. Interim Measures. Until otherwise ordered by the Court:

(a) Admission of Counsel. Attorneys admitted to practice and in good standing in any United States District Court are admitted pro hac vice in this litigation. Association of local co-counsel is not required.

(b) Pleadings. Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set at the conference.

(c) Pending and New Discovery. Pending the conference, all outstanding disclosure and discovery proceedings are stayed and no further discovery shall be initiated. This Order does not

(1) preclude voluntary informal discovery regarding the identification and location of relevant documents and witnesses; (2) preclude parties from stipulating to the conduct of a deposition that has already been scheduled; (3) prevent a party from voluntarily making disclosures, responding to an outstanding discovery request under Federal Rule of Civil Procedure 33, 34, or 36; or (4) authorize a party to suspend its efforts in gathering information needed to respond to a request under Rule 33, 34, or 36. Relief from this stay may be granted for good cause shown, such as the ill health of a proposed deponent.

(d) Preservation of Records. All parties are reminded of their obligation to preserve evidence that may be relevant to the actions. See MCL § 40.25.

(e) Motions. No motion shall be filed under Rule 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

(f) Orders of Transferor Courts. All orders by transferor courts imposing dates for pleading or discovery are vacated.

5. Later-Filed Cases. This Order shall also apply to related cases later filed in, removed to, or transferred to this Court.

6. Applications for Lead and Liaison Counsel Appointments. The Court intends to appoint plaintiffs' lead counsel and/or plaintiffs' liaison counsel. Applications for these positions must be filed with the Clerk's office on or before **January 21, 2021**. The Court will only consider attorneys who have filed a civil action in this litigation. The main criteria for these appointments are (1) willingness and ability to commit to a time-consuming process; (2) ability to work cooperatively with others; (3) professional experience in this type of litigation; and (4) access to sufficient resources to advance the litigation in a timely manner.

SO ORDERED.

Dated: **New York, New York**
December 23, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

ATTACHMENT 1
(Based on cases from the MDL Docket)

- Young v. Generali U.S. Branch et al., 3:20-cv-1804, Southern District of California
- Nixon et al. v. Generali U.S. Branch, 1:20-cv-2670, Northern District of Illinois
- Sanchez v. Generali U.S. Branch et al., 2:20-cv-2380, District of Kansas
- Morris v. Assicurazioni Generali Group, S.p.A et al., 1:20-cv-4430, Southern District of New York
- Robbins et al. v. Generali Global Assistance, Inc. et al., 1:20-cv-6635, Southern District of New York
- Swafford v. Generali U.S. Branch et al., 1:20-cv-7079, Southern District of New York
- Flanigan v. Generali U.S. Branch et al., 3:20-cv-1807, Northern District of Ohio
- Schrader v. Generali U.S. Branch et al., 2:20-cv-4548, Eastern District of Pennsylvania
- Oglevee v. Generali U.S. Branch et al., 2:20-cv-1277, Western District of Pennsylvania
- Keith v. Generali U.S. Branch, 2:20-cv-2869, District of South Carolina
- Sheridan v. Assicurazioni Generali Group, S.p.A et al., 2:20-cv-244, Eastern District of Texas
- Paterson v. Generali U.S. Branch et al., 2:20-cv-266, Eastern District of Texas

ATTACHMENT 2

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ATTACHMENT 3

1. Is there a need for a Consolidated Amended Complaint
2. Can motions to dismiss be consolidated to avoid duplicative motions
3. What is the most reasonable and expeditious schedule for the disposition of motions to dismiss
4. Will amendments to the complaint be sought in response to the motions to dismiss
5. Set the schedule for the Rule 26(f) Report
6. Preparation of the Initial Case Management Order. See MCL § 40.21
7. Appointment of lead and/or liaison counsel for the plaintiffs
8. Any other special procedures that would facilitate the litigation